



state senator

Richard Bray

2005 LEGISLATIVE UPDATE

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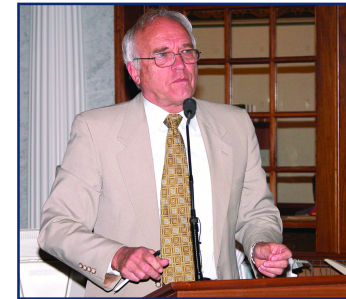
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DNA Database Fights Crime

In my opinion, the most significant act in the area of criminal justice was Senate Enrolled Act 13, which will greatly expand the DNA database by requiring all convicted felons to submit a sample to the State Police Data Bank. This will allow the State Police to compare samples found at crime scenes with the specimens found in the data bank.

The test to which the convicted felons must submit to is no more intrusive than finger printing, and the investigative value is substantially greater. Even with the current limited database, the State Police are getting "cold hits." A cold hit is a match from a crime scene which identifies a perpetrator who would not otherwise be a suspect. There is no doubt that this will make our state safer.



Sen. Bray addresses the full Senate in an effort to gain support for SEA 13.

Fighting Meth

Methamphetamine production has become widespread in our state, and this year the legislature has proven its commitment to curbing this criminal activity.

In 2003, Indiana law enforcement seized **422 meth labs**, a figure higher than any other Midwestern state, according to the Drug Enforcement Administration.

It is difficult to catch meth producers. All of the ingredients needed to manufacture meth can be purchased legally, and are relatively inexpensive. For example, an investment of \$1,000 in easily purchased ingredients can produce \$20,000 worth of meth.

This year, we passed a bill to regulate **the sale and purchase of meth precursors** in the hope of reducing production in Indiana. Senate Enrolled Act 444 includes a variety of measures designed to stop the production of meth by placing restrictions on the sale and purchase of drugs containing ephedrine or pseudoephedrine, **commonly found in over-the-counter cold and allergy medicines.**

Retailers must store such drugs in a locked display case or behind a counter that requires employee assistance. Pharmacies may place the drugs directly in front of the pharmacy counter in the line of sight of a pharmacy employee and in an area under constant video monitoring.

Customers purchasing these drugs must present **identification** and record their identifying information in a log book provided and maintained by the retailer.

The bill bars retailers from selling the drugs to individuals under age 18 and allows no more than **3 grams** of drugs containing ephedrine or pseudoephedrine in any one transaction. It also prevents customers from purchasing more than 3 grams of such drugs in a single week.

Meth production has become a significant problem in Indiana. We have no choice but to fight back with every available weapon.

Health Information for Hoosier

Rx for Indiana

Governor Mitch Daniels has created "Rx for Indiana," a pharmaceutical patient assistance program which allows lower-income Hoosiers to receive the prescription drugs they need for free or at significantly reduced prices. Since the beginning of the program in early March, more than 37,000 Indiana residents have qualified for the program.

Nearly 60 health care, business, community and consumer groups have joined the governor to help improve Indiana citizens' access to prescription medicine. For more information, visit www.RxForIndiana.org.

Medicaid Funding

Nearly one in six Hoosiers receives Medicaid. For every dollar of state Medicaid funds saved, \$3 is removed from the health care economy in Indiana. These statistics point to the significance of this program. As a result, the Senate remains determined to restore fiscal solvency to this vital program.

Medicaid costs increased 10 percent last year. Without the aid of a federal grant of \$146.3 million and cost containment measures that trimmed another \$73.4 million, the state would have faced a \$241 million deficit. In spite of these actions, the program still posted a \$21.7 million shortfall.

Governor Daniels cited a control of Medicaid cost growth as a major objective in his first State of the State address in January. Without significant policy changes, projected figures indicate another 10 percent increase this year. Given the tight financial constraints plaguing the state, an increase of this magnitude could bankrupt this vital program and take away money from other important programs like K-12 education.

Stopping Government Corruption

In 2004, newspaper readers across the state saw an extraordinary number of headlines revealing corruption in state government. In fact, years of scandal in previous administrations cost the state at least \$25 million. An appointed state examiner said we may never know the full extent of misspending.

It can be argued that Indiana state government sees no more scandal than any other state government or large business. The difference is that Indiana government, until recently, lacked any oversight whatsoever. And when those embezzled and misspent dollars belong to taxpayers, a lack of accountability is unforgivable.

Since Governor Daniels created this position, reports to the inspector general's hotline have increased 20-fold compared to the old State Ethics Commission line, the inspector general has opened more than 50 investigations as a result of these reports and one set of charges has been filed.

INDIANA: Open for Business!

This year, lawmakers faced the difficult task of pulling Indiana out of a fiscal crisis. While much of that was done in the crafting of the two-year budget, the only permanent way to ensure financial stability is by creating more jobs and putting more money in Hoosiers' pockets.

To create this economic development, the General Assembly combined ideas from the governor with plans from both the Senate and the House of Representatives. These initiatives came in the form of Senate Enrolled Acts 1 and 496.

These two laws contain dozens of provisions that make the state more attractive to companies looking to relocate, existing businesses wishing to expand, and entrepreneurs looking for an incentive to start a business.



One of the most important ideas was a sales tax break for research and development equipment. This will encourage high-tech, innovative jobs that help to improve the state's well-being and reputation. Following the governor's lead, the General Assembly also took particular interest in the motor racing industry. SEA 1 includes provisions that exempt professional motor racing parts from sales tax and adds "professional motor vehicle racing" to the list of businesses that qualify for the Venture Capital Investment Tax Credit.

The measures also made other tax credits such as Hoosier Business Investment Tax Credits easier to qualify for. Other bills passed by the General Assembly enable communities to be "shovel-ready" for property development (HEA 1653), allow farmers to switch to more lucrative operations (SEA 267) and streamline the Indiana Economic Development Corporation, which will be responsible for recruiting outside business (HEA 1003).

The 2005 session of the General Assembly may be remembered as one of the most important and aggressive sessions ever for making Indiana open for business.



Sen. Bray studies a bill in the Senate chambers.

The State Budget

The Indiana General Assembly has passed a balanced two-year state budget that holds the line on spending, is designed to lower the structural deficit, adds no new state taxes, provides \$4 billion in property tax replacement credits and adds \$112.4 million to K-12 education.

Senate Republicans voted to control state spending while boosting funding for K-12 education, scholarships for higher education and child protection. Medicaid funding is held to a 5 percent increase. This is in contrast to the 10 percent growth experienced during the current biennium.

The passage of this budget is quite an accomplishment. To reduce a \$600 million structural deficit and end up with reserves — all without new state taxes — is no small feat.

Preventing Voter Fraud

Voting in a fair and credible election is at the heart of American citizenship. It is the legislature's responsibility to adopt policies that protect our representative democracy by ensuring each vote cast is valid and legal.

A group of Senate bills were introduced this year to update outmoded election laws. Of all the reform initiatives, none may be as critical as Senate Enrolled Act 483.

SEA 483 requires citizens to show government-issued photo identification at the polls before voting. Photo IDs are required for many commonplace circumstances that Americans face every day, like renting a video, obtaining a library card, cashing a check or boarding an airplane. It only makes sense that a photo ID be required for something as important as voting.

Years ago, poll workers knew the people in their precinct and had no reason to question someone's identity. Now, it is increasingly common for Election Day volunteers to live in another town than the one in which they are serving. The voter ID bill gives poll workers a tool to verify a person's identity. Considering nationwide voting problems, and some within Indiana, this is a common-sense step to help prevent voter fraud.

Saving the Colts & Expanding

The ink is barely dry on the governor's signature, but details about a new Colts stadium and expanded Indiana Convention Center are in full swing. The centerpiece for a funding mechanism is a 1 percent food and beverage tax on Marion County and the seven "doughnut" counties. While some have voiced concerns about funding these projects with taxpayer dollars, I am certain that Indiana — central Indiana, especially — will be better off for it.

Leaders from Marion County and the doughnut counties have supported this funding plan. All of the money raised in Marion County (approximately \$17 million) will go toward the stadium and convention center projects. The amount the doughnut counties contribute to the projects, however, is capped at \$5 million, meaning those counties will get to keep at least half of the revenue raised.

The revenue generated from the food and beverage tax can be considered a major investment. For example, Marion County benefits from a combined total of over \$165 million in sales just as the host of the Colts and NCAA headquarters and the convention center currently adds \$361 million in sales. Also, in Marion County, the Colts contribute \$1.9 million in taxes to the Capital Improvement Board and another \$710,000 in income tax. A study conducted by PricewaterhouseCoopers in 2004 estimated that the convention center and stadium contribute over \$22 million dollars in sales, income and gasoline tax to the state.

A new NFL stadium also serves as a venue for many other activities that bring millions of

dollars to the region. Last year, more than 1.3 million people visited the stadium for entertainment activities of all kinds including NCAA basketball. The proposed stadium helps keep the NCAA in the state until 2039. This important event contributes \$63.3 million annually and another \$85 million per five-year cycle for events related to March Madness.

As far as conventions are concerned, the Indiana Convention Center has attracted several big-name conventions over the years, but these groups have been growing. Three top conventions have left town, and a few more are shopping around. One of the conventions that has left, the Performance Racing Industry (PRI), brought \$26 million in direct spending every year. That is the equivalent spending amount of one Final Four weekend. While the Final Four comes to Indy once in a while, PRI conventioners were spending their dollars here every year.

According to the PricewaterhouseCoopers study, an expanded convention center could attract new business (18 to 23 major conventions and trade shows and four or five consumer shows per year) with an economic impact of an additional \$165 million annually. The study also suggests that the expansion could create 2,700 new jobs.

As I have said before, it is very easy to find reasons to ignore the need for a new stadium and larger convention center. One must remember, however, that none of Indiana's 92 counties is an island. Ask any area that has lost a major professional sports franchise: you don't know what you've got until it's gone.

Changing Our Clocks

The issue of Daylight Saving Time was arguably one of the most contentious issues in the General Assembly this session. The question of whether or not to observe DST has sparked emotional debate across the state. Though I voted against this change, the bill ultimately passed both the House and the Senate.

Although by astronomical calculations all of Indiana should be in the Central Time Zone, 77 of the 82 Indiana counties which lie in the Eastern Time zone do not observe DST. Five of these counties, which border Louisville and Cincinnati, unofficially observe Eastern DST. Ten Indiana Counties lie in the Central Time Zone, five in the northwest region and five in the southwest.

The current bill petitions the federal government to re-examine the time zones in Indiana and decide what counties, if any, should be moved from the Eastern Time Zone to the Central. The legislature has been told that federal hearings on the issue could begin as soon as July.

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2005 Brings Good News for Ag Industry

Biofuels: good for the environment and the economy

Two significant clean energy initiatives have become law.

House Enrolled Act 1032 requires state government to fuel state vehicles with agriculture-based fuels, such as biodiesel, ethanol, or gasohol, whenever possible. Biodiesel is a clean burning alternative fuel, produced from domestic, renewable resources such as soybeans. Biodiesel contains no petroleum, but it can be blended at any level with petroleum diesel. This helps improve air quality and our economy by taking advantage of resources from right here in Indiana.

Senate Enrolled Act 378 will expand the tax incentives passed during the 2003 legislative session on the production and use of Indiana soy diesel and ethanol fuels and provide additional incentives for clean coal gasification plants. This bill covers all facets of processing — from soybean crushers to oil refineries to the service stations that will supply the fuel — while growing the demand for agricultural commodities and increasing farmers' profits. Ethanol production plants cost around \$79 million to build and don't receive these tax breaks until they are making a profit in our state.

In Defense Of Marriage

I was proud to be a co-author of Senate Joint Resolution 7, which seeks to amend the constitution to prevent the courts from defining marriage.

Hoosiers ultimately should have the final say when it comes to this issue. Last November, voters in 11 states approved similar amendments across the nation. Indiana legislators acted this year in order to place this decision in the hands of the people.

SEA 378 provides an additional \$5 million for bio-diesel production, which will be divided into \$1 million sections for the refineries, wholesale, blenders, and service stations that carry the fuel. The bill also expands the tax credit from \$10 million to \$20 million for large ethanol and soy diesel production plants. This will provide a great opportunity for both soy diesel and ethanol plants.

Additionally, SEA 378 provides tax credits for companies who build and operate integrated coal gasification power plants in Indiana. Coal gasification is the process of using Indiana's high sulfur-coal and transforming it into clean-burning energy.

Our state's use of coal has not kept up with our production. Since 1987, coal consumption in Indiana has increased by 30 percent, while Indiana's coal production has increased by only 3 percent. Over half of the coal used to generate electricity is imported into Indiana. If Indiana coal were to replace imported coal, it would add \$1.35 billion and 18,000 jobs to our state's economy.

With rising gas prices and pollution, this source of energy has great potential. The fuel is cheaper and better for our environment. The economic possibilities are fantastic.

New Laws Protect Hoosier Children

All too often, I open my newspaper and read a story of another child being victimized. These situations have become almost commonplace in the last few years. Our children are our most precious commodity, and should receive special attention from the state. The General Assembly passed several bills this session aimed at protecting Hoosier children.

In 2003, the state's sex and violent offender registry was modernized, including the requirement of a photograph of the offender that could be viewed by the public. Currently, thousands of people who have committed sex crimes or crimes against children are registered with the state. We passed two bills that will enhance the effectiveness of the registry by adding the possession of child pornography to the 14 existing offenses and by allowing neighborhood associations to receive the semi-annual updates of the list.

This session, we also passed Senate Enrolled Act 529, which reorganizes the Office of the Family and Social Services Administration. This department has been plagued by poor management and other problems. The bill creates the Department of Child Services to handle child support, child protection, adoption and foster services. Some Hoosier children are at risk for abuse and neglect, and these children deserve the proper attention from the state. This new department will focus only on children and their families.



Legislature Creates Agriculture Dept.

Agriculture is one of the largest and most important industries in Indiana. As one of the nation's leaders in a vast array of agricultural areas, it would probably come as a surprise to most Hoosiers that, prior to this legislative session, our state had no official Department of Agriculture.

Indiana was one of only four states that operated without a Department of Agriculture. We rank second in the nation in the amount of prime farmland, and a one-stop entity that would handle all of our agriculture issues will greatly benefit this industry.

House Enrolled Act 1008 created the official Indiana State Department of Agriculture and consolidates duties that were once scattered across numerous agencies.

The move costs Indiana taxpayers no additional money. In fact, I hope it actually saves money by merging the 10 separate agriculture boards and commissions into one large department.

